

## Message Text

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ACTION EB-06

INFO OCT-01 AF-04 ARA-06 EA-06 EUR-08 NEA-06 RSC-01 ISO-00

CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00 INR-05 NSAE-00

FAA-00 L-01 IO-04 SS-15 SP-02 NSC-05 /072 W

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P 312044Z OCT 74

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC PRIORITY 5544

UNCLAS MONTREAL 1712

FOR WALDMAN, EB/TT FROM USREP ICAO

E. O. 11652: N/A

TAGS: EAIR, ICAO

SUBJ: ICAO - MINUTES OF KEY ASSEMBLY MEETINGS

1. PRESIDENT ASSEMBLY HAS HANDED US INFORMALLY FINAL DRAFT MINUTES CERTAIN IMPORTANT ASSEMBLY SESSIONS WITH REQUEST THAT US STATEMENTS BE REVIEWED FOR ACCURACY. ANY SUGGESTIONS MUST BE RECEIVED BEFORE TUESDAY, NOV. 5. CHANGES SHOULD BE SUGGESTED ONLY RPT ONLY IF SUBSTANTIVELY IMPORTANT, SINCE MINUTES ON MAT ALL READY FOR REPRODUCTION.

2. REGARDING EXECUTIVE COMMITTEE OCT 14, SOUTH AFRICAN RESOLUTION:

QUOTE

1. THE DELEGATES OF THE UNITED STATES OF AMERICA COMMENTED THAT THIS WAS ANOTHER ISSUE WHICH HIS DELEGATION REGRETTED TO SEE BROUGHT BEFORE THE ASSEMBLY. IT WAS AN IMPORTANT ONE AND BEFORE THE VOTE WAS TAKEN HE THOUGHT IT ADVISABLE TO PUT A FEW THINGS ON RECORD.

2. THE UNITED STATES COULD NOT ACCEPT THE PREMISE THAT SOUTH AFRICA HAD DELIBERATELY REFUSED TO PAY ITS ANNUAL ASSESSMENT FOR

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THE YEARS 1972, 1973 AND 1974 AND THEREFORE QUALIFIED FOR SUSPEN-

SION OF ITS VOTING POWER UNDER ARTICLE 62 OF THE CHICAGO CONVENTION. INTERPRETING THAT ARTICLE, THE ASSEMBLY, IN RESOLUTION A16-56, HAD SPECIFICALLY SAID THAT ONLY CONTRACTING STATES TWO OR MORE YEARS IN ARREARS MIGHT HAVE THEIR VOTING POWER SUSPENDED. ACCORDING TO FINANCE COMMITTEE WORKING PAPER NO 463 OF 19 AUGUST 1974, SOUTH AFRICA HAD PAID IN FULL ITS ASSESSMENTS FOR 1972 AND 1973 AND PART OF ITS ASSESSMENT FOR 1974. ACCORDING TO A21-WP/41, STATES WOULD NOT BE IN ARREARS FOR 1974 UNTIL JANUARY 1975. HIS DELEGATION THEREFORE DID NOT FIND SOUTH AFRICA EVEN TECHNICALLY IN ARREARS FOR 1974.

3. UNLIKE RESOLUTION A18-4, THE RESOLUTION IN WP/183 MADE NO ATTEMPT TO AVOID VIOLATING THE TERMS OF THE CONVENTION. THE UNITED STATES DELEGATION COULD NOT ACCEPT IT IN ITS PRESENT FORM AND WOULD SUGGEST THAT, AS A MINIMUM, IT SHOULD BE AMENDED TO BRING IT WITHIN THE FRAMEWORK OF THE CONVENTION. THE ASSEMBLY SHOULD NOT TAKE ACTION THAT WAS OUTSIDE ITS OWN BASIC LAWS. UNQUOTE

3. REGARDING PLANARY, OCT. 15, SOUTH AFRICAN RESOLUTION:

QUOTE

1. THE DELEGATE OF THE UNITED STATES OF AMERICA REFERRED TO THE CONCERN HIS DELEGATION AND SEVERAL OTHERS HAD EXPRESSED IN THE EXECUTIVE COMMITTEE ABOUT THE LEGAL BASIS FOR THE PROPOSED RESOLUTION -- A CONCERN WHICH WAS REFLECTED IN THE NARRATIVE PORTION OF WP/192. IN LINE WITH THAT, HE WISHED TO ASK THE SECRETARY GENERAL UNDER WHICH ARTICLE OF THE CONVENTION THE PROPOSED ACTION WAS BEING TAKEN. THE SECRETARY GENERAL REPLIED THAT IN THE EXECUTIVE COMMITTEE'S DISCUSSIONS REFERENCE HAD BEEN MADE TO ARTICLE 62 OF THE CHICAGO CONVENTION, AND IT WAS ON THE BASIS OF THAT ARTICLE THAT THE EXECUTIVE COMMITTEE HAD RECOMMENDED TO THE PLENARY ADOPTION OF RESOLUTION 11/1. ARTICLE 62 READ: "THE ASSEMBLY MAY SUSPEND THE VOTING POWER IN THE ASSEMBLY AND IN THE COUNCIL OF ANY CONTRACTING STATE THAT FAILED TO DISCHARGE WITHIN A REASONABLE PERIOD ITS FINANCIAL OBLIGATIONS TO THE ORGANIZATION".

2. THE DELEGATE OF THE UNITED STATES OF AMERICA DID NOT WISH TO REPEAT WHAT HE HAD SAID AT SOME LENGTH IN THE EXECUTIVE COMMITTEE, UNCLASSIFIED

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BUT FELT OBLIGED TO PLACE ON RECORD HIS DELEGATION'S CONCERN ABOUT THIS POSSIBLE USE OF ARTICLE 62 AND THE INTERPRETATIONS THAT HAD BEEN RESOLVED BY EARLIER SESSIONS OF THE ASSEMBLY. THE UNITED STATES DELEGATION CONTINUED TO HOPE THAT THE ASSEMBLY WOULD NOT ACT IN A WAY WHICH WAS INCONSISTENT WITH THE CHICAGO CONVENTION. UNQUOTE

4. REGARDING PLENARY OCT 15, JERUSALEM AIRPORT RESOLUTION:

QUOTE

1. THE DELEGATE OF THE UNITED STATES OF AMERICA INDICATED THAT HIS DELEGATION WOULD NOT SPEAK TO THE MERITS OF THE ISSUE EITHER AT THIS TIME OR LATER, AND QUESTIONED WHETHER THE ASSEMBLY SHOULD INVOLVE ITSELF IN THE MATTER. IN THE FIRST PLACE, IT DID NOT CONSIDER THE REFERENCE TO THE REGIONAL AIR NAVIGATION PLAN DOCUMENT SUFFICIENT JUSTIFICATION, BECAUSE THAT DOCUMENT CONTAINED A DISCLAIMER SPECIFICALLY EXCLUDING QUESTIONS AFFECTING THE STATUS AND BOUNDARIES OF STATES AND TERRITORIES. MORE IMPORTANT, HOWEVER, WAS ITS BELIEF THAT PUBLIC DEBATE OR RESOLUTION IN A TECHNICAL INTERNATIONAL ORGANIZATION ON DELICATE SUBJECTS SUCH AS THIS COULD ONLY PROVE HARMFUL TO CURRENT NEGOTIATIONS AMONG THE PARTIES IN THE MIDDLE EAST CONFLICT -- NEGOTIATION WHICH HIS GOVERNMENT WAS MAKING STRENUOUS EFFORTS TO FACILITATE IN THE HOPE THAT THEY WOULD LEAD TO A JUST AND LASTING RESOLUTION OF ALL OUTSTANDING ISSUES (AMONG WHICH THE STATUS OF JERUSALEM WAS ONE OF THE MOST COMPLICATED.

UNQUOTE.

5. REGARDING PLENARY, OCT 15. SENEGAL PROPOSAL REGARDING EQUAL CHANCE FOR ALL STATES TO HOST ASSEMBLIES.

QUOTE

1. IN OPPOSING THE PROPOSED RESOLUTION THE DELEGATE OF THE UNITED STATES OF AMERICA ASSOCIATED HIMSELF WITH THE VIEW OF THE DELEGATE OF THE UNITED KINGDOM THAT RESOLUTION A16-13 GAVE THE COUNCIL ADEQUATE OPPORTUNITY TO CONSIDER OTHER SITES FOR AN ASSEMBLY SESSION, WHILE TAKING PROPER ACCOUNT OF AVAILABLE FACILITIES, THE BENEFITS TO ICAO, AND COSTS. IN PASSING, HE SHOULD MENTION THAT HE HAD NOT UNDERSTOOD THE COUNCIL TO HAVE DECIDED THAT

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THE MATTER WAS UP TO THE ASSEMBLY, BUT RATHER THAT IT HAD CONSIDERED A SPECIFIC PROPOSAL.

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(USREP SUGGESTS CAREFUL REVIEW THIS PARAGRAPH).

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